

## Agricultural Marketing Service, USDA

§ 987.9

### VOLUME REGULATION

987.145 Withholding obligation.

### SURPLUS

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### Subpart—Assessment Rates

987.339 Assessment rate.

AUTHORITY: 7 U.S.C. 601–674.

### Subpart—Order Regulating Handling

SOURCE: 27 FR 6818, July 19, 1962, unless otherwise noted.

### DEFINITIONS

#### § 987.1 Secretary.

*Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

#### § 987.2 Act.

*Act* means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*).

#### § 987.3 Person.

*Person* means an individual, partnership, corporation, association, or any other business unit.

#### § 987.4 Area of production.

*Area of production* means Riverside County, Calif.

[36 FR 15037, Aug. 12, 1971]

#### § 987.5 Dates.

*Dates* means the Deglet Noor, Zahidi, Halawy, and Khadrawy varieties of domestic dates produced or packed in the area of production.

#### § 987.6 Crop year.

*Crop year* means the 12-month period beginning October 1 of each year and ending September 30 of the following year.

[43 FR 4250, Feb. 1, 1978]

#### § 987.7 Producer.

*Producer* is synonymous with grower and means any person engaged in a proprietary capacity in the production of dates for sale.

#### § 987.8 Handler.

*Handler* means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder and any repacker: *Provided*, That for the purposes of §§ 987.21 and 987.24 a person shall qualify as a handler only if he has acquired the dates directly from producers.

[32 FR 12595, Aug. 31, 1967, as amended at 43 FR 4250, Feb. 1, 1978]

#### § 987.8a Repacker.

*Repacker* means any wholesaler or jobber who receives packed dates certified for handling pursuant to § 987.41(a), repackages them in containers other than those in which received, and handles such repackaged dates.

[32 FR 12595, Aug. 31, 1967]

#### § 987.9 Handle.

*Handle* means to sell, consign, transport, or ship (except as a common or contract carrier of dates owned by another person) or in any way to put dates into the current of commerce including the shipment or delivery of utility dates or cull dates into nonhuman consumption outlets, except that sales or deliveries, by producers,

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of other than cull dates, to a handler within the area of production, or the movement of dates by a handler to storage for his account within the area of production, or counties adjoining the area of production, shall not be considered handling. The Committee, with the approval of the Secretary, may establish monitoring procedures for storage of dates in Orange, San Diego, and Yuma Counties.

[36 FR 15037, Aug. 12, 1971, as amended at 43 FR 4250, 4251, Feb. 1, 1978]

### § 987.10 Handler carry-over.

*Handler carry-over* means, as of any date, all marketable dates then held by a handler or for his account (whether or not sold), plus the estimated quantity of marketable dates in ungraded or unprocessed lots then held by said handler.

### § 987.11 Trade demand.

*Trade demand* means those quantities of marketable dates which the Committee finds are required to satisfy the need for dates in specific outlets in which marketable dates are handled.

[43 FR 4250, Feb. 1, 1978]

### § 987.12 Marketable dates.

*Marketable dates* means those dates which are certified as equal to or higher than the applicable minimum grade and size requirements in effect pursuant to § 987.39, and any additional applicable requirements in effect pursuant to § 987.40. Marketable dates shall include but not be limited to the following:

(a) *DAC dates*. DAC dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety for handling in the United States and Canada.

(b) *Dates for further processing*. Dates for further processing (FP) are marketable whole dates acquired by one handler from another handler that are certified as meeting the same grade and size requirements for DAC dates, with the exception of moisture requirements, and such identification require-

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ments applicable to FP dates that are established by the Committee, with the approval of the Secretary, for any specific variety.

(c) *Export dates*. Export dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety, to be handled in export to any country or group of countries with the exception of Canada. The Committee may establish different requirements for different countries.

(d) *Product dates*. Product dates are marketable dates that are inspected and certified as meeting the applicable grade and size requirements for dates to be handled in such forms as rings, chunks, pieces, butter, macerate, paste, or any other forms which the Committee deems appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates.

[43 FR 4250, Feb. 1, 1978]

### § 987.13 Free dates.

*Free dates* means dates of any variety that are at the time of certification destined for consumption in whole or pitted form in the United States and Canada (and such other countries as the Committee determines are likely to acquire them at prices reasonably comparable with prices received domestically) and which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 987.44.

[43 FR 4251, Feb. 1, 1978]

### § 987.14 Restricted dates.

*Restricted dates* means those dates which must be withheld by handlers pursuant to any restricted percentage established by the Secretary in accordance with § 987.44.

### § 987.15 Substandard dates.

*Utility dates* means those dates which fail to meet the requirements for marketable dates but are not cull dates.

[27 FR 6818, July 19, 1962, as amended at 43 FR 4251, Feb. 1, 1978]